

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV10-02909-DOC(ANx)

Date: November 9, 2010

Title: JOHN J. GUILLORY v. ROBERT HOREL

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Kathy Peterson
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS: ATTORNEYS PRESENT FOR DEFENDANTS:

NONE PRESENT

NONE PRESENT

PROCEEDING (IN CHAMBERS): ORDER Extending Time for Appeal

On April 20, 2010, John Guillory, proceeding *pro se*, filed his Petition for Writ of Habeas Corpus. (Docket 1) On May 17, 2010, Mr. Guillory filed his First Amended Petition for a Writ of Habeas Corpus. (Docket 4)

On May 24, 2010, the court entered an Order denying Mr. Guillory's First Amended Petition without prejudice for failure to exhaust pursuant to 28 U.S.C. § 2254 . (Docket 6) A Judgment dismissing the action without prejudice was entered on the same day. (Docket 7) On May 24, 2010, the Court issued an Order denying a certificate of appealability. (Docket 8)

The Court has been informed that because of an error, the Court did not actually send out the Order. To the Court's knowledge, Mr. Guillory never received any notice.

The Court acts *sue sponte* under its equitable powers and under Rule 4(a)(6) of the Rule 4(a)(6) of the Federal Rules of Appellate Procedure to reopen the time for appeal for a period of fourteen (14) days to permit Mr. Guillory to file a notice of appeal, request a certificate of appealability from the Ninth Circuit (28 U.S.C. § 2253(c)(1)), or take such other action he deems appropriate to perfect an appeal from the Judgment entered May 24, 2010. The Court finds that Mr. Guillory did not receive notice of the Judgment within 21 days of entry of the Judgment, Fed. R. App. 4(a)(6)(A); that the Court's action is being taken within 180 days after entry of the Judgment, *see* Fed. R. App. 4(a)(6)(B); and that no party will be prejudiced by the relief granted, Fed. R. App. 4(a)(6)(C).

The Clerk shall serve this minute order on all parties to the action.

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Initials of Deputy Clerk: jcb
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